

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

ESTATE OF WALTER JAJUGA,)
ANTHONY SCIBELLI, EXECUTOR,)
KRISTEN A. JAJUGA-MONTEITH,)
VINCENT M. JAJUGA, AND)
ANTHONY C. JAJUGA,)
Plaintiffs)
v.) C.A. No. 10-cv-30016-MAP
PRUDENTIAL INSURANCE COMPANY)
OF AMERICA,)
Defendant)

MEMORANDUM AND ORDER ON REMAND

February 14, 2012

PONSOR, U.S.D.J.

On January 12, 2012, the Court of Appeals issued its opinion reversing judgment in favor of Defendant in this case. On February 2, 2012, the First Circuit's mandate issued.

Based on the judgment of the First Circuit Court of Appeals, this court's judgment in favor of Defendant is hereby VACATED. The clerk is ordered to enter judgment in favor of Plaintiffs. Defendant is order to award benefits to the beneficiaries of Walter Jajuga's Group Policy

according to the terms of that policy, with any interest to which they may be entitled, within thirty days of the date of this Order. In addition, Plaintiffs are awarded costs in the amount of \$914.50.

Plaintiffs have filed a Motion for Attorneys' Fees (Dkt. No. 48), but have withheld submission of contemporaneous time records and independent affidavits supporting any hourly rates claimed. These materials will be submitted in support of the motion for fees no later than March 5, 2012. Defendant's opposition to the motion will be filed no later than March 19, 2012. The court will thereafter rule on the motion.

It is So Ordered.

/s/ Michael A. Ponsor
MICHAEL A. PONSOR
U. S. District Judge